

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

CAMBRIA COMPANY LLC,

Plaintiff,

v.

LAKESIDE SURFACES, INC.,

Defendant.

Case No. 1:20-cv-00508 (JMB/PJG)

Hon. Jane M. Beckering

**JOINT STIPULATION AND ORDER OF DISMISSAL
REGARDING CAMBRIA’S COMPLAINT COUNTS 2-4**

WHEREAS, Plaintiff Cambria Company LLC (“Cambria”) filed a complaint against Defendant Lakeside Surfaces, Inc. (“Lakeside”) seeking, *inter alia*, relief for (1) Lakeside’s infringement of Cambria’s alleged mark “The Finest Countertop Makers in the World”; (2) Lakeside’s “Federal Unfair Competition and False Designation of Origin”; and (3) Lakeside’s “Unfair Competition under Michigan Common Law, M.C.L. § 445.903 *et seq.*” (Dkt. 1, ¶¶ 34-52; Counts 2-4);

WHEREAS, in what Cambria contends is an effort to streamline the issues for adjudication, Cambria dismisses, with prejudice, its claims for trademark infringement and federal and state unfair competition (*see* Dkt. 1, Counts 2-4);

IT IS HEREBY STIPULATED AND AGREED, by and between the parties hereto, through their respective counsel, and subject to the approval of the Court, that:

(1) Cambria’s claims under Counts 2-4 of its Complaint regarding trademark infringement, federal unfair competition and false designation of origin, and state unfair competition are dismissed with prejudice.

(2) Nothing in this Order affects the parties' claims, defenses, and counterclaims remaining in this matter regarding Cambria's allegations of infringement of the D'332 patent (Dkt. 1, Count 1).

(3) Lakeside believes it is entitled to attorneys' fees on Counts 2-4. Cambria disputes that Lakeside is entitled to any attorneys' fees on these counts. The parties believe that any adjudication on the issue of attorneys' fees with respect to these counts can take place after resolution of Count 1 of the Complaint, in a single Rule 54 (Fed.R.Civ.P. 54) motion after a Final Judgment is entered on all issues in the case.

(4) Pursuant to this Stipulation and Order, the Court shall enter Judgment in favor of Lakeside and against Cambria on Counts 2-4 when it enters a Final Judgment on all of the issues in this case.

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ORDER

SO ORDERED this ____ day of _____, 2022.

The Honorable Jane M. Beckering
United States District Court Judge